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22240 U.S. PTO  
08/07/03  
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08/07/03

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	P-4298.P1C1
First Inventor	Willmann, K.
Title	A FLOW CYTOMETRIC, WHOLE BLOOD DENDRITIC CELL IMMUNE FUNCTION ASSAY
Express Mail Label No.	ER211140891US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br><i>(Submit an original and a duplicate for fee processing)</i>                                | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)  |
| 2. <input type="checkbox"/> Applicant claims small entity status.<br>See 37 CFR 1.27.  | 8. Nucleotide and/or Amino Acid Sequence Submission<br><i>(if applicable, all necessary)</i>   |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages 47]<br><i>(preferred arrangement set forth below)</i>  | a. <input type="checkbox"/> Computer Readable Form (CRF)   |
| - Descriptive title of the invention   | b. <input type="checkbox"/> Specification Sequence Listing on:   |
| - Cross Reference to Related Applications  | i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or  |
| - Statement Regarding Fed sponsored R & D  | ii. <input type="checkbox"/> Paper   |
| - Reference to sequence listing, a table, or a computer program listing appendix   | c. <input type="checkbox"/> Statements verifying identity of above copies  |
| - Background of the Invention  |  |
| - Brief Summary of the Invention   |  |
| - Brief Description of the Drawings ( <i>if filed</i> )  |  |
| - Detailed Description   |  |
| - Claim(s)   |  |
| - Abstract of the Disclosure   |  |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 13]  |  |
| 5. Oath or Declaration [Total Sheets ]   |  |
| a. <input type="checkbox"/> Newly executed (original or copy)  | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))  |
| b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><i>(for continuation/divisional with Box 18 completed)</i>                            | 10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i> |
| i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br>Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | 11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>   |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76  | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations                                |
|  | 13. <input type="checkbox"/> Preliminary Amendment   |
|  | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                                       |
|  | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>   |
|  | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.                |
|  | 17. <input type="checkbox"/> Other: .....  |

**ACCOMPANYING APPLICATION PARTS**

- |   |  |
|---|--|
| 9. <input type="checkbox"/>             | Assignment Papers (cover sheet & document(s))  |
| 10. <input checked="" type="checkbox"/> | 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i> |
| 11. <input type="checkbox"/>            | English Translation Document <i>(if applicable)</i>  |
| 12. <input type="checkbox"/>            | Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations                     |
| 13. <input type="checkbox"/>            | Preliminary Amendment  |
| 14. <input checked="" type="checkbox"/> | Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                                       |
| 15. <input type="checkbox"/>            | Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>                                    |
| 16. <input type="checkbox"/>            | Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.     |
| 17. <input type="checkbox"/>            | Other: .....   |

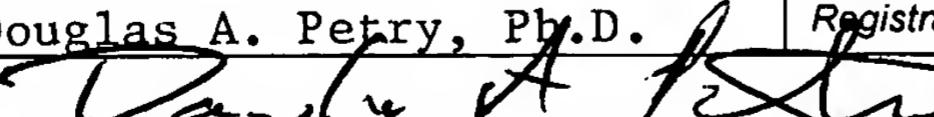
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation       Divisional       Continuation-in-part (CIP)      of prior application No.: 09/787,092...

Prior application information: Examiner Nguyen, Bao Thuy L. Art Unit: 1641  
 For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**
 Customer Number: 26253      OR       Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Douglas A. Petry, Ph.D.	Registration No. (Attorney/Agent)	35,321
Signature			Date August 7, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750.00)

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Willmann
Examiner Name	
Art Unit	
Attorney Docket No.	P-4298.P1C1

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number 02-1666  
Deposit Account Name Becton Dickinson & Co

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	750.00
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 750.00)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
18			-20** = 0	X 0 = 0	= 0
2	2		- 3** = 0	X 0 = 0	= 0
					= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Douglas A. Petry, Ph.D.	Registration No. (Attorney/Agent)	35,321	Telephone	408-518-5074
Signature	<i>Douglas A. Petry</i>			Date	08/07/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application

Applicant(s): Willmann, K. and Dunne, J.      Docket No. P-4298.P1C1  
Serial No.:  
Filing Date:  
For: **A Flow Cytometric, Whole Blood Dendritic Cell Immune Function Assay**  
Group Art Unit:  
Examiner:

STATEMENT UNDER 37 CFR §3.73(b)

The patent application identified above is a continuation of U.S. Serial No. 09/787,092, filed March 12, 2001.

Becton, Dickinson, and Company, a corporation, states that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above.

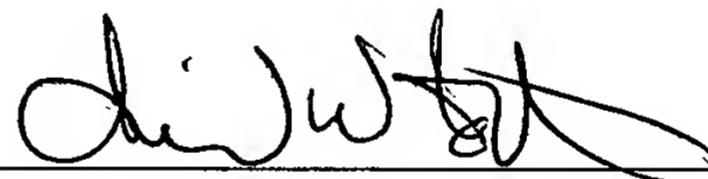
The assignment was recorded on April, 02, 2001, in the United States Patent and Trademark Office at Reel 011663, Frame 0679.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 4, 2003

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Date



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David W. Hight  
Assistant Secretary